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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,102	12/03/2003	Keiichi Taguchi	88518.0001	7277
26021	7590	06/28/2005	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			CHEN, SOPHIA S	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/728,102

Applicant(s)

TAGUCHI, KEIICHI

Examiner

Sophia S. Chen

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/14/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 18 (Figure 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).
3. The abstract of the disclosure is also objected to because of the inclusion of legal phraseology, such as "comprising" (page 44, line 12). Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities:
  - a. Page 7, line 22, "24" should be "23".

b. Page 10, line 4, "23" should be "23e".

Appropriate correction is required.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Suzuki et al. (JP 2003-316106; cited in Form PTO-1449)

Suzuki et al. discloses an image forming apparatus/method comprising: an electrostatic latent image carrier 10; a plurality of development units 13c, 13m, 13y, 13k each accommodating a toner and adapted to develop the electrostatic latent image by the toner (paragraph [0036]); a development unit holder 14 capable of holding the plurality of development units 13c, 13m, 13y, 13k (Figure 2); a control unit 24 for the development unit holder 14 for controlling an operation of the development unit holder 14 in development among the plurality of development units 13c, 13m, 13y, 13k (Figure 3); the image formation apparatus is provided with an identifying device 16a for identifying at least color information on the toner accommodated in the development

unit (paragraph [0047] and Figure 3); the development unit holder 14 is capable of holding at least two development units accommodating the toner of a same color (abstract and paragraph [0063]; Figure 4); and the control unit 24 identifies the development units 13c, 13m, 13y, 13k of the same color based on the color information identified by the identifying device 16a, and controls the operation of the development unit holder 14 so as to effect monochrome development by using the at least two development units 13k (paragraphs 0063] and [0071]).

Suzuki et al. further discloses the development unit 13k has storage means 23k for storing the color information, and the color information is identified by the identifying device 16a (paragraph [0047]); the development unit holder 14 is a rotary body which selectively changes over the development unit used in development as the rotary body 14 is rotatively driven, and the rotary body 14 moves any one of the plurality of development units 13c, 13m, 13y, 13k to a position opposing the electrostatic latent image carrier 10 as the development unit holder 14 is rotatively driven by the control unit 24 (Figures 1 and 3); the operation of the development unit holder 14 is controlled at a predetermined timing by the control unit 24, and during development by a monochromatic toner, a changeover is made to another development unit accommodating the toner of the same color as the toner used in the development (paragraph [0071]; Figures 3 and 4); and when development by the monochromatic toner continues, the predetermined timing is set to a time when a predetermined number of pages has reached a predetermined value (1000 pages; paragraph [0071]).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. in view of Takano (US Pat. No. 5,095,331).

Suzuki et al., as discussed above, differs from the instant claimed invention in not disclosing the development unit has storage means for storing an amount of toner consumed, and the predetermined timing is set to a time when an amount of toner consumed has reached a predetermined value.

Takano discloses an image forming apparatus comprising a cartridge 2, and the predetermined timing is set to a time when an amount of toner consumed has reached a predetermined value (Figures 7, step S14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the predetermined timing as taught by Takano to the storage means of Suzuki et al. to permit as much image forming operation as possible despite the occurrence of a toner-empty state (Takano; column 1, lines 57-61).

***Other Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takami (US Pat. No. 6,009,293) discloses an image forming apparatus comprising a plurality of cartridges, and each cartridge having a storage means.

Elliott (US Pat. No. 6,301,460 B1) discloses an all-in-one toner cartridge having a plurality of cartridges, and each cartridge having a different color or two or more of the toner container can have the same toner color.

Owen et al. (US Pat. Pub. No. US 2003/0012576 A1) discloses an image forming apparatus comprising a mechanism for calculating a toner amount.


Tsuruya et al. (US Pat. Pub. No. US 2003/0133719 A1) discloses an image forming apparatus comprising a rotary-type toner cartridges.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (571) 272-2133. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen  
Primary Examiner  
Art Unit 2852

Ssc  
June 24, 2005